HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.1900 of 2002

Dated 4th day of July, 2007

Between:

M/s. Gokul Wines, rep. by its
D.Rama Gopala Reddy, Hayatnagar .. Petitioner

And

The Prohibition and Excise Superintendent,
Ranga Reddy, District Office at Narayanaguda,
Hyderabad .. Respondent

O R D E R:

This writ petition is filed seeking a mandamus to declare the Proceedings dated 19.1.2002 issued by the respondent, as arbitrary and illegal.

The case of the petitioner-shop is that it was granted licence in Form No.IL 24 under the provisions of A.P. Excise Act and is running business of sale of wines in the name and style of M/s.Gokul Wines without contravening any of the provisions under law. When it applied for grant of IL 24 licence for the excise year 1998-99, the respondent, after verifying the location of the licenced premises, fixed the annual licence fee at Rs.6.00 lakhs and the same was renewed for the excise years 1999-2000, 2000-2001 and 2001-2002 also. Later, the respondent, without giving any notice issued proceedings dated 18.8.2001 demanding the petitioner-shop to pay enhanced licence fee with effect from the excise year 1998-99. Then, the petitioner and others filed separate writ petitions, and this Court, granted stay of collection of enhanced licence fee in one of such writ petitions i.e. W.P.No.18951 of 2001, dated 7.11.2001. The respondent has already collected full licence fee for the excise year 2001-2002. Now, the petitioner's grievance is that the respondent issued the impugned Proceedings dated 19.1.2002 suspending his licence on the ground that he did not pay the enhanced licence fee for the excise year 2001-2002.

The respondent has filed counter affidavit *inter alia* denying the affidavit averments.

This Court, on 5.2.2002, while ordering Rule Nisi, suspended the impugned order and permitted the petitioner to carry on its business on condition that it deposits an amount of Rs.2,00,000/-. By virtue of the interim orders, the petitioner must have completed the

excise year 2001-2002.

Now, the learned Government Pleader for Excise has submitted that subsequently, the licence was issued in favour of a third party and no further orders can be passed in this writ petition. Moreover, inasmuch as the petitioner was allowed to carry on its business for the excise year 2001-2002 and if there is any licence fee due to the Department, the petitioner has to pay the same after giving credit to the amount of Rs.2.00 lakhs by virtue of the interim orders.

In the light of the submission made by the learned Government Pleader for Excise, this writ petition is devoid of merits and the same is dismissed. No costs.

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04.07.2007

bcj